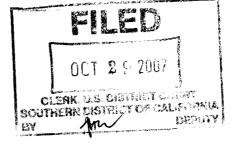
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

.07 NJ 8881

UNITED STATES OF AMERICA,

Plaintiff,

COMPLAINT FOR VIOLATION OF

Magistrate Case No.:

V.

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Armando HUERTA-Lopez,

21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

Defendant.

The undersigned complainant being duly sworn states:

That on or about October 28, 2007, within the Southern District of California, defendant Armando HUERTA-Lopez did knowingly and intentionally import approximately 61.06 kilograms (134.33 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Dary Christensen, Special Agent U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29TH,
DAY OF OCTOBER 2007.

PETER C. LEWIS UNITED STATES MAGISTRATE JUDGE

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UNITED STATES OF AMERICA v. Armando HUERTA-Lopez

STATEMENT OF FACTS

This complaint is based on the reports, documents, notes furnished to, and interviews conducted by U.S. Immigration and Customs Enforcement Special Agent Daryl Christensen.

On October 28, 2007, at approximately 1245 hours, Armando HUERTA-Lopez entered into the United States at the Calexico, California, East Port of Entry, from the Republic of Mexico. HUERTA-Lopez was the driver and registered owner of a 1985 Volkswagon Van. HUERTA-Lopez was accompanied by Alvaro NIEVES-Farias.

At primary inspection, both HUERTA-Lopez and NIEVES-Farias gave negative Customs declarations and presented their valid Border Crossing Cards to Customs and Border Protection Officer (CBPO) Tolentino. At primary inspection, HUERTA-Lopez stated that they were going to Santo Tomas. CBPO Tolentino noted the sound of the floor when tapped seemed unusual. Both occupants and the vehicle were referred to secondary inspection.

At secondary inspection, CBPO Baca received a negative Customs Declaration from HUERTA-Lopez, who claimed ownership of the vehicle and stated he was en route to the Santo Tomas Swap Meet. During the inspection, a depth discrepancy was noted in the floor behind the driver's seat.

CBPO Randolph utilized his Narcotic Detector Dog, which resulted in an alert to the floor in the vehicle. A search of the vehicle revealed a fabricated compartment in the floor. The

compartment was opened and thirteen (13) packages concealed inside.

One of the packages was probed, producing a green leafy substance, which field-tested positive for marijuana. The thirteen packages of marijuana had a total weight of 61.06 kilograms (134.33 pounds).

HUERTA-Lopez was advised of his rights per Miranda, which he acknowledged and waived. HUERTA-Lopez admitted knowledge that the vehicle contained something which he knew was illegal and an expected \$400.00 payment for crossing the vehicle. HUERTA-Lopez stated that his passenger, NIEVES-Farias, was not aware of the smuggling attempt.

NIEVES-Farias was advised of his rights per Miranda, which he acknowledged and waived. NIEVES-Farias denied any knowledge of the contraband and stated he was riding with HUERTA-Lopez and they were going to the Santo Tomas Swap Meet.